



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**ADOPTION CAUSE NO.12 OF 2017**

**IN THE MATTER OF AN APPLICATION FOR AN ADOPTION ORDER**

**AND IN THE MATTER OF BABY IN (alias ABANDONED BABY BOY) (THE CHILD)**

**1. MMN**

**2. MWM.....APPLICANTS**

**J U D G M E N T**

1. The Applicants herein, **MMN** and **MWM**, are Kenyans and a married couple. They have been formally married since 08/04/2016 though married under custom for over 3 years prior to that date. They do not appear to have any children of their own though they have not stated so in their papers.

2. The Applicants have sought by **originating summons dated 22/12/2017** for an adoption order in respect to the Child called **BABY IN (alias ABANDONED BABY BOY)**.

3. I have read the **Statement of Facts** and the **Verifying Affidavit** attached to the originating summons and have perused the documents annexed to the statement.

4. The Child was found abandoned on 11/04/2015 at **Majengo** area of **Isinya** in **Kajiado County**. He appeared to have just been born. He was taken to **Kajiado District Hospital** for medical care. A report was then made to **Isinya Police Station**. After discharge from hospital the Child was admitted to **Mahali Pa Maisha Children's Home** for care and protection.

5. On 04/06/2015 the Child was formally committed to the custody and care of **New Life Home** vide **Kajiado Children's Court Protection and Care Case No 28 of 2015**.

6. **Isinya Police Station** subsequently confirmed that nobody had shown up to claim the Child. The Child was thereafter declared free for adoption by an adoption society, **Change Trust**, vide **Certificate Serial Number XXXX** dated 14/11/2015. Subsequently the Child was placed in the custody of the Applicants for care and protection, and they have now had him for over three (3) years. They appear to have bonded very well.

7. There does not appear to be any legal impediment to the Applicants adopting the Child. They have a combined decent income that will enable them raise the child in comfort, as indeed they have already been doing for over 3 years. They should be able to raise and educate the child into a worthy Kenyan citizen without any problem.

8. I am satisfied that the adoption order sought will be in the best interests and for the welfare of the Child, **Baby IN (alias Abandoned Baby Boy)**. I will therefore grant prayers 1, 3 and 4 of the originating summons dated 23/12/2017. It is so ordered. The other orders sought in the originating summons cannot be properly made in these proceedings and are refused.

**DATED AND SIGNED AT NANYUKI THIS 13<sup>TH</sup> DAY OF NOVEMBER 2019**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT NANYUKI THIS 14<sup>TH</sup> DAY OF NOVEMBER 2019**